

Notes for Discussion: Application of the Mitigation Ratio Checklist SOP for the Rosemont Mine

The 2008 Mitigation Rule (Rule) establishes standards and criteria for the use of all types of compensatory mitigation to offset unavoidable impacts to waters of the United States (33 CFR Parts 325 and 332, 40 CFR Part 230).

The Rule identifies *General compensatory mitigation requirements* (33 CFR 332.3) recognizing the importance of the watershed approach:

In general, the required compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services, taking into account watershed scale features as aquatic habitat diversity, habitat connectivity, relationships to hydrologic sources (including the availability of water rights), trends in land use, ecological benefits, and compatibility with adjacent land uses (33 CFR 332.3(b)(1)).

A watershed approach¹ considers the importance of landscape position and resource type of compensatory mitigation projects for the sustainability of aquatic resources functions within the watershed (33 CFR 332.3(c)(2)(i)).

Ex. 5 - Deliberative Process

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